

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Khristoph A. Becker	Team: Team # 6	CCRB Case #: 200913353	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 08/22/2009 12:50 AM	Location of Incident: Milford Street and Belmont Avenue	Precinct: 75	18 Mo. SOL 2/22/2011	EO SOL 2/22/2011	
Date/Time CV Reported Sat, 08/22/2009 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/27/2009 2:18 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Thomas Napolitano	29370	940682	075 PCT
2. POM Abraham Arteaga	27115	929657	075 PCT
3. POM Marc Whirl	09207	937726	075 PCT
4. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Justin Puccia	15693	943488	075 PCT
2. POM Joseph Tarlentino	04020	940791	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b)	
B.POM Thomas Napolitano	Force: PO Thomas Napolitano used physical force against § 87(2)(b) § 87(2)(b)	
C.POM Marc Whirl	Force: PO Marc Whirl used physical force against § 87(2)(b) § 87(2)(b)	
D.POM Marc Whirl	Abuse: PO Marc Whirl threatened § 87(2)(b) § 87(2)(b) with the use of force.	
E.POM Abraham Arteaga	Abuse: PO Abraham Arteaga entered and searched § 87(2)(b) § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

Case Summary

On August 22, 2009, § 87(2)(b) and § 87(2)(b) § 87(2)(b) called IAB and filed this complaint, generating IAB Log # 09-41416, which was forwarded to the CCRB on August 27, 2009 (encl. 3a-b; 4a-b).

On August 22, 2009, PO Thomas Napolitano, PO Abraham Arteaga, and PO Marc Whirl, all of the 75th Precinct, stopped § 87(2)(b) and § 87(2)(b) § 87(2)(b) and arrested § 87(2)(b) § 87(2)(b) in the vicinity of Milford Street and Belmont Avenue in Brooklyn. The following allegations resulted from the incident:

- **Allegation A – Abuse of Authority:** Officers stopped § 87(2)(b) and § 87(2)(b) § 87(2)(b) § 87(2)(g) [REDACTED]
- **Allegation B – Force:** PO Thomas Napolitano used physical force against § 87(2)(b) § 87(2)(b) § 87(2)(g) [REDACTED]
- **Allegation C – Force:** PO Marc Whirl used physical force against § 87(2)(b) § 87(2)(b) § 87(2)(g) [REDACTED]
- **Allegation D – Abuse of Authority:** PO Marc Whirl threatened § 87(2)(b) § 87(2)(b) with the use of force. § 87(2)(g) [REDACTED]
- **Allegation E – Abuse of Authority:** PO Abraham Arteaga entered and searched § 87(2)(b) [REDACTED]. § 87(2)(g) [REDACTED]
- § 87(4-b) § 87(2)(g) [REDACTED]
- [REDACTED]
- [REDACTED]

On January 28, 2010, § 87(2)(b) and § 87(2)(b) § 87(2)(b) rejected mediation § 87(2)(b) [REDACTED]

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) is a § 87(2)(b)-old black male who is 5’6” tall, weighs 112 pounds and has black hair and brown eyes.

CCRB Testimony

§ 87(2)(b) § 87(2)(b) was interviewed at the CCRB on October 14, 2009 (encl. 5a-d). § 87(2)(g) [REDACTED]

On August 22, 2009, at [REDACTED]

approximately 12:50 a.m., in the vicinity of Milford Street and Belmont Avenue in Brooklyn, § 87(2)(b) § 87(2)(b) was with his brother, § 87(2)(b) § 87(2)(b) and several other individuals. They were all watching an individual named § 87(2)(b) making graffiti with spray paint. After about five or ten minutes, a black Impala pulled up and everyone ran. No one had used drugs or consumed alcohol.

An officer, PO1 (male, black shirt and black pants, late 20s/early 30s, 6'4", Hispanic, spiky black hair, five o'clock shadow, medium build), who was identified by the investigation as PO Thomas Napolitano of the 75th Precinct, exited the back seat of the vehicle. PO Napolitano ran after § 87(2)(b) § 87(2)(b) and said: "Stop or I'll shoot." § 87(2)(b) § 87(2)(b) stopped as Napolitano put his foot into his back and pushed him to the ground, causing his right cheekbone to hit a nearby handrail. (In his original complaint, § 87(2)(b) § 87(2)(b) stated that his shoulder hit the handrail and that he was then kicked in the face.) This occurred on Logan Street, near Fountain Avenue. § 87(2)(b) § 87(2)(b) sustained a bruise to his cheekbone and scratches to his knees and right elbow, which were bleeding slightly. (§ 87(2)(b) § 87(2)(b) brother, § 87(2)(b) § 87(2)(b) took photographs of these injuries but accidentally erased them.) PO Napolitano then put his knee into § 87(2)(b) § 87(2)(b) back and applied handcuffs. § 87(2)(b) § 87(2)(b) wiggled his body and said, "Get off my back." PO Napolitano said: "Shut up and stop resisting" (In his original complaint, § 87(2)(b) § 87(2)(b) claimed PO Napolitano told him to shut up or he would punch him in the mouth.) § 87(2)(b) § 87(2)(b) was on the ground for approximately five minutes.

PO Napolitano walked § 87(2)(b) § 87(2)(b) one block down Milford Street to the aforementioned black Impala and put him in the vehicle. PO2 (male, 5'10", bald head, Hispanic, 30-35, muscular, wearing same clothing), identified by the investigation as PO Marc Whirl of the 75th Precinct, was in the driver's seat. PO3 (male, glasses, 6'0"-1", muscular, white, black wavy hair, 30s, chin strap, wearing same clothing), identified by the investigation as PO Abraham Arteaga of the 75th Precinct, exited the passenger seat so PO Napolitano could sit there. § 87(2)(b) § 87(2)(b) was in one of the back seats. PO3 walked alongside the vehicle.

§ 87(2)(b) § 87(2)(b) was crying and PO Whirl told him to "shut up or I'll bitch slap you," as well as, "I'll kill you if you don't shut up." § 87(2)(b) § 87(2)(b) said, "That's assault." PO Whirl said, "Do you really want me to assault you?" § 87(2)(b) § 87(2)(b) said no and PO Whirl said, "Well shut up." The officers then drove § 87(2)(b) and § 87(2)(b) § 87(2)(b) home, and, as they exited the vehicle, PO Napolitano stated: "The next time I catch you, I'll send you to juvenile hall."

§ 87(2)(b) § 87(2)(b) went inside and their older brother, § 87(2)(b) § 87(2)(b) came outside. § 87(2)(b) § 87(2)(b) asked the officers what happened to § 87(2)(b) § 87(2)(b) face. PO Arteaga said he fell. § 87(2)(b) § 87(2)(b) said that was a lie and § 87(2)(b) § 87(2)(b) said he could sue. PO Arteaga told § 87(2)(b) § 87(2)(b): "You want to sue? I'll take you to the precinct right now." § 87(2)(b) § 87(2)(b) said: "No, no, no." The officers then left, approximately one hour after the incident began, without making an arrest or issuing summonses. § 87(2)(b) § 87(2)(b) then treated his bump with some ice but never sought medical treatment.

Complainant/Victim: § 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) is a § 87(2)(b)-old black male who is 5'8" tall, weighs 149 pounds and has black hair and brown eyes.

CCRB Testimony

§ 87(2)(b) § 87(2)(b) was interviewed at the CCRB on October 14, 2009 (encl. 6a-d). § 87(2)(g)

When the black Impala arrived, the driver of the vehicle, PO1 (white, male, blue shirt, bald head, 5'9", 210lbs, chubby/muscular, late 30s, five o'clock shadow, blue shirt, jeans, black boots), identified by the investigation as PO Whirl, said: "Stop." (In his original complaint, § 87(2)(b) § 87(2)(b) claimed PO Whirl said: "Stop or I'll shoot.") § 87(2)(b) and § 87(2)(b) § 87(2)(b) as well as the other civilians present, ran away at this point.

As § 87(2)(b) § 87(2)(b) was running, the officers chased him in the car and told him again to stop. § 87(2)(b) § 87(2)(b) complied and PO Whirl asked him, "Why were you running? I could have shot you. I could have killed you." PO Whirl then put § 87(2)(b) § 87(2)(b) against the car and handcuffed him. § 87(2)(b) § 87(2)(b) said, "I didn't do anything," and PO Whirl told him to "shut up" and lightly punched him in the ribs, causing no pain or injury. (In his original complaint, § 87(2)(b) § 87(2)(b) claimed that PO Whirl also punched him in the face.)

§ 87(2)(b) § 87(2)(b) asked him why he did that and PO Whirl replied: “Because you were running. You’re not supposed to be running.”

At this time, § 87(2)(b) § 87(2)(b) heard § 87(2)(b) § 87(2)(b) voice screaming: “Ahhh! Ahhh! I didn’t even do anything!” § 87(2)(b) § 87(2)(b) could not see § 87(2)(b) § 87(2)(b) but recognized his voice. PO Whirl then handcuffed § 87(2)(b) § 87(2)(b) put him inside the vehicle, and picked up § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) around the corner.

§ 87(2)(b) § 87(2)(b) was crying, so PO2 (passenger seat, black sweater, black pants, black boots, black hat, 6’2”-3”, thick and muscular, Hispanic, male, 220lbs, late 30s), identified by the investigation as PO Napolitano, called him a “bitch” because “back in the day we didn’t cry when we got locked up.” PO Napolitano threatened to take § 87(2)(b) § 87(2)(b) upstate. § 87(2)(b) § 87(2)(b) explained that they had not spray painted, and PO Napolitano said, “So what?”

The officers then drove § 87(2)(b) and § 87(2)(b) § 87(2)(b) home and asked if their parents were there. § 87(2)(b) § 87(2)(b) went upstairs to check. His brother, § 87(2)(b) § 87(2)(b) was home but his parents were not, which he told the officers. PO3 (male, 6’0”, athletic muscular, black sweater, pants, and jeans, glasses, Hispanic, late 30s), identified by the investigation as PO Arteaga, did not believe him and said: “Let’s go see if your parents are home.” § 87(2)(b) § 87(2)(b) interpreted this to mean that they would only be released if their parents were home. PO Arteaga went upstairs with § 87(2)(b) § 87(2)(b) and looked in the bathroom, living room, and § 87(2)(b) § 87(2)(b) bedroom. They then went back downstairs.

When § 87(2)(b) § 87(2)(b) saw § 87(2)(b) § 87(2)(b) he asked PO Napolitano why his little brother’s face was swollen. PO Napolitano said he fell against a fire hydrant. § 87(2)(b) § 87(2)(b) retorted: “He’s lying, he’s lying.” Ultimately, the officers let § 87(2)(b) and § 87(2)(b) § 87(2)(b) stay at home. § 87(2)(b) § 87(2)(b) later told § 87(2)(b) § 87(2)(b) that PO Napolitano had kicked him in the back, causing him to fall. PO Napolitano then placed a knee in his back, at which point § 87(2)(b) § 87(2)(b) said: “I didn’t even do anything.” PO Napolitano then reportedly said, “Shut up,” and kicked him in the face, causing a bruise. § 87(2)(b) § 87(2)(b) alleged this kick in his original complaint but not in his official statement.) § 87(2)(b) § 87(2)(b) said § 87(2)(b) § 87(2)(b) knees and forearm were scraped, with some blood visible. The right side of his face was bruised and it took a few weeks for the swelling and bruising to subside. He never sought medical treatment. § 87(2)(b) § 87(2)(b) took photos of the injuries.

Witness: § 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) is a § 87(2)(b)-old black male who is 5’10” tall, weighs 150 pounds and has black hair and brown eyes.

CCRB Testimony

§ 87(2)(b) § 87(2)(b) was interviewed at the CCRB on December 23, 2009 (encl. 7a-e). § 87(2)(g)

On August 22, 2009, § 87(2)(b) § 87(2)(b) was watching over his brothers, § 87(2)(b) and § 87(2)(b) § 87(2)(b) while their parents were out. § 87(2)(b) and § 87(2)(b) § 87(2)(b) went to hang out at a friend’s house. Around 11:20 p.m., his brothers came back and were escorted by four plain-clothed police officers: PO1 (6’2”, white, built, 210 lbs, 30s, brown spiky hair), identified by the investigation as PO Napolitano; PO2 (5’10”, Hispanic, bald, 190lbs, 20s/30s), identified by the investigation as PO Whirl; PO3 (goatee, 5’10”, glasses, cap, black hair, Hispanic, 170, late 20s), identified by the investigation as PO Arteaga, and PO4. PO4 remained in the black Impala that the officers arrived in; the other three officers exited the vehicle. PO Arteaga said they were going to let § 87(2)(b) and § 87(2)(b) § 87(2)(b) into § 87(2)(b) § 87(2)(b) custody. PO Arteaga asked if their parents were home and for § 87(2)(b) § 87(2)(b) ID. § 87(2)(b) § 87(2)(b) handed over his ID and explained that his parents were out and that he was watching over his brothers.

PO Napolitano and PO Arteaga asked if they could go upstairs to take a look. (The § 87(2)(b) family lives on the § 87(2)(b) floor of a private building.) § 87(2)(b) § 87(2)(b) asked, “Why do you need to come upstairs?” The officers did not respond. § 87(2)(b) § 87(2)(b) did not want to let the officers inside but thought that his brothers would otherwise not be released. So § 87(2)(b) § 87(2)(b) let PO Arteaga and PO Napolitano upstairs. PO Arteaga entered the apartment while PO Napolitano stood outside the door. PO Arteaga went through a bedroom, the living room, and passed through the kitchen. The lights were off so he used a flashlight. He did

not look anywhere else and it was clear that he was looking to see if their parents were home. PO Arteaga searched for about ten minutes.

When § 87(2)(b) § 87(2)(b) returned downstairs, he got a better look at § 87(2)(b) § 87(2)(b) and noticed a bump on his right cheekbone. § 87(2)(b) § 87(2)(b) asked how this happened. § 87(2)(b) § 87(2)(b) said an officer hit him. PO Arteaga said § 87(2)(b) § 87(2)(b) had slipped and fell, which § 87(2)(b) § 87(2)(b) did not believe because § 87(2)(b) § 87(2)(b) is too athletic to slip and fall. PO Arteaga added that he slipped in a puddle, but § 87(2)(b) § 87(2)(b) stated there was no rain on the ground. § 87(2)(b) § 87(2)(b) told PO Arteaga he was going to file a complaint. PO Arteaga then grabbed § 87(2)(b) § 87(2)(b) by the arm and said, “You’re going to file a complaint? Then we’ll take him back to the precinct.”

§ 87(2)(b) § 87(2)(b) was scared and told § 87(2)(b) § 87(2)(b) to “chill.” So he did, and the officers left. The incident lasted twenty or thirty minutes. § 87(2)(b) § 87(2)(b) then explained that PO Napolitano had hit him, causing the lump, and that they ran because they did not know they were officers at first. § 87(2)(b) § 87(2)(b) further explained that PO Napolitano had kicked him (something § 87(2)(b) § 87(2)(b) did not allege during his official statement) and put a knee into his back on the ground. § 87(2)(b) § 87(2)(b) also told § 87(2)(b) § 87(2)(b) that an officer said: “Don’t tell your brother or we’ll shoot you.” § 87(2)(b) § 87(2)(b) did not know which officer said this.

§ 87(2)(b) § 87(2)(b) used his cell phone to take pictures of the bump on § 87(2)(b) § 87(2)(b) face and the scars on his knees, but the pictures were accidentally erased.

Attempts to Contact Civilians

§ 87(2)(b) § 87(2)(b) address was listed on his arrest report (encl. 15a). A search of the Cole Directory and Whitepages.com yielded negative results for a phone number associated with that address (encl. 23a-i). On September 3, 2009, a first please call letter was sent to § 87(2)(b) § 87(2)(b) and a Lexis-Nexis search for his telephone number was requested. A Verizon subpoena was also sent on September 3, 2009, and was returned with negative results on September 11, 2009 (encl. 22a). On September 4, 2009, the investigator dialed each of the telephone numbers from the Lexis-Nexis search results. No one answered and no answering service was activated, so a final please call letter was sent that same day. On September 21, 2009, the investigator dialed each of the Lexis-Nexis numbers again with negative results. In addition, § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) did not know § 87(2)(b) § 87(2)(b) address or phone number. To date, § 87(2)(b) § 87(2)(b) has not contacted the investigator.

NYPD Statements

Subject Officer: PO MARC WHIRL

- § 87(2)(b) § 87(2)(b)-old white/black male, 5’9” tall, weighs 180 pounds, black hair, brown eyes.
- On the date of the incident PO Whirl was assigned to Anti-Crime. He worked from 1800 to 0200 with PO Arteaga and PO Napolitano in plainclothes and in an unmarked, black Impala.

Memo Book

PO Whirl did not have entries in his memo book relating to the incident (encl. 8a-b).

CCRB Testimony

PO Whirl was interviewed at the CCRB on February 25, 2010 (encl. 9a-b). On August 22, 2009, at approximately 12:50 a.m., PO Whirl was driving east along Belmont Avenue with PO Napolitano and PO Arteaga when they saw three young male individuals (identified by the investigation as § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b)), one of whom was doing graffiti. Upon seeing the officers, the three ran away. PO Arteaga and PO Napolitano exited the vehicle to pursue them. PO Whirl remained in the vehicle and caught up with § 87(2)(b) § 87(2)(b) PO Whirl told § 87(2)(b) § 87(2)(b) to “stop” and “get down.” PO Whirl did not say, “Stop or I’ll shoot.” PO Whirl did not say, “I could have shot and killed you.” PO Whirl never told

§ 87(2)(b) § 87(2)(b) to “shut up” and he never punched him in the ribs. § 87(2)(b) § 87(2)(b) stopped and PO Whirl handcuffed him against the patrol car. § 87(2)(b) § 87(2)(b) did not resist or cause any problems. Because there was no evidence to suggest that § 87(2)(b) or § 87(2)(b) § 87(2)(b) used graffiti, the officers decided to take them home.

PO Whirl and PO Arteaga drove § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) to their house while PO Napolitano walked. None of the officers said, “Shut up.” § 87(2)(b) and § 87(2)(b) § 87(2)(b) were crying in the car and said, “We didn’t do anything.” PO Whirl told them to “relax, you’re going home.” None of the officers said, “Shut up or I’ll bitch slap you.” None of the officers said, “Shut up or I’ll kill you.” None of the officers said, “Do you really want me to assault you?” None of the officers said, “The next time I catch you, I’ll send you to juvenile hall.”

When they arrived at § 87(2)(b), the brother, identified by the investigation as § 87(2)(b) § 87(2)(b) came outside. PO Whirl remained inside of the vehicle while PO Arteaga and PO Napolitano interacted with § 87(2)(b) § 87(2)(b). None of the officers went inside the building; they simply turned § 87(2)(b) and § 87(2)(b) § 87(2)(b) over to their brother. PO Whirl did not hear or recall any conversation about how one of the younger brothers sustained a bump on their face. PO Whirl did not remember seeing any injuries on § 87(2)(b) or § 87(2)(b) § 87(2)(b). PO Whirl did not remember whether anyone indicated they were going to file a complaint.

Subject Officer: PO ABRAHAM ARTEAGA

- § 87(2)(b) -old white male who is 5’11” tall, weighs 220 pounds, and has black hair and brown eyes.
- On the date of the incident PO Arteaga was assigned to Anti-Crime. He worked from 1730 to 0205 with PO Whirl and PO Napolitano in plain-clothes and in an unmarked RMP.

Memo Book

PO Arteaga had no memo book entries relating to this incident (encl. 10a-b).

CCRB Testimony

PO Arteaga was interviewed at the CCRB on March 19, 2010 (encl. 11a-b). § 87(2)(g)

On August 22, 2009, PO Arteaga ran after § 87(2)(b) while PO Napolitano and PO Whirl went after § 87(2)(b) and § 87(2)(b) § 87(2)(b). PO Arteaga did not order anyone to “stop” and did not remember another officer saying this. Neither PO Arteaga nor another officer said, “Stop or I’ll shoot.” PO Arteaga did not hear another officer say anything to the effect of “shut up and stop resisting.” PO Napolitano and PO Whirl were not within PO Arteaga’s line of sight when they detained § 87(2)(b) and § 87(2)(b) § 87(2)(b). PO Arteaga did not see an officer punch § 87(2)(b) or § 87(2)(b) § 87(2)(b) in the ribs.

PO Arteaga apprehended § 87(2)(b) by himself. Either § 87(2)(b) or § 87(2)(b) § 87(2)(b) was brought back to the RMP, possibly in handcuffs, and the officers drove him home and released him into the care of his older brother, identified by the investigation as § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were released because they had not been observed doing graffiti.

PO Arteaga sat in the front passenger seat during the car ride. Neither PO Arteaga nor another officer said, “Shut up or I’ll bitch slap you.” PO Arteaga did not remember anyone crying in the car. Neither PO Arteaga nor an officer said, “I’ll kill you if you don’t shut up.” PO Arteaga did not remember anyone saying “that’s assault,” and neither he nor another officer said, “Do you really want me to assault you?” § 87(2)(b) and § 87(2)(b) § 87(2)(b) could not have been sent to juvenile hall for what they did. Neither PO Arteaga nor another officer said, “The next time I catch you I’ll send you to juvenile hall.” There were no visible injuries on § 87(2)(b) or § 87(2)(b) § 87(2)(b). PO Arteaga did not remember seeing a lump on § 87(2)(b) or § 87(2)(b) § 87(2)(b) face.

PO Arteaga did not remember if § 87(2)(b) § 87(2)(b) was under eighteen years old. PO Arteaga remained inside the RMP the entire time, never spoke with § 87(2)(b) § 87(2)(b) and never heard what might have been said between § 87(2)(b) § 87(2)(b) and the other officers. PO Arteaga did not remember if another officer remained inside the vehicle with him. PO Arteaga did not remember an officer going inside of the residence. PO Arteaga stated that it would make sense to go inside to see if the parents were home, but he did not remember if this was done. PO Arteaga did not remember an officer saying anything to the effect of, “He just

slipped and fell.” PO Arteaga did not remember § 87(2)(b) § 87(2)(b) suggesting that he wanted to file a complaint. PO Arteaga did not remember any discussion about filing a complaint. PO Arteaga explicitly remembered PO Napolitano being there that night. PO Arteaga did not remember PO Napolitano being assigned another arrest that night.

Subject Officer: PO THOMAS NAPOLITANO

- § 87(2)(b) -old white/Hispanic male, who is 6’3” tall, weighs 230 pounds and has black hair and brown eyes.
- On the date of the incident PO Napolitano was assigned to Anti-Crime. He worked from 1730 to 0205 with PO Whirl and PO Arteaga in plainclothes and an unmarked RMP.

Memo Book

PO Napolitano had one unrelated entry in his memo book: 0140 one under arrest (encl. 12a-b).

CCRB Testimony

PO Thomas Napolitano was interviewed at the CCRB on March 16, 2010 (encl. 13a-b). On August 22, 2009, PO Napolitano was assigned an arrest for an unrelated incident § 87(2)(b) § 87(2)(b) PO Napolitano did not remember an incident involving graffiti. He did not remember arresting one individual and taking two young male individuals home instead of to the precinct. PO Napolitano thought he remembered PO Arteaga being at the precinct with him as well. It is possible that another officer took PO Napolitano’s place while he was completing the arrest paperwork at the precinct. PO Napolitano did not know any details about the incident.

Witness Officer: PO JUSTIN PUCCIA

- § 87(2)(b) -old white male who is 5’11” tall, weighs 165 pounds, and has brown hair and brown eyes.
- On the date of the incident PO Puccia was assigned to a tracer unit. He worked from 1730 to 0205 with PO Tarlentino in uniform and in a marked patrol car.

Memo Book

PO Puccia’s memo book noted that § 87(2)(b) was arrested for § 87(2)(b) at 12:46 a.m. (encl. 14a-b).

Arrest Report

PO Puccia completed an arrest report for § 87(2)(b) (encl. 15a). The narrative stated that § 87(2)(b) § 87(2)(b) was observed making graffiti on a building wall with the marking § 87(2)(b) One photograph of the marking was taken.

CCRB Testimony

PO Puccia was interviewed at the CCRB on February 5, 2010 (encl. 16a-b). On August 22, 2009, PO Puccia and PO Tarlentino responded to a shooting at Sutter Avenue and Euclid Avenue to help set up the crime scene. At 12:20 a.m., PO Puccia received a call to go to the precinct to take an arrest for the Anti-Crime officers: PO Napolitano, PO Arteaga, and PO Whirl. The Anti-Crime officers told PO Puccia that § 87(2)(b) § 87(2)(b) sprayed gray paint onto a wall with the letters § 87(2)(b) PO Puccia did not know what those letters stood for and he had never heard the names § 87(2)(b) or § 87(2)(b) § 87(2)(b) PO Puccia later went to the incident location to take pictures of the § 87(2)(b) tag but there were no civilians around by that time.

Witness Officer: PO JOSEPH TARLENTINO

- § 87(2)(b) -old white male who is 5’8” tall, weighs 200 pounds, and has brown hair and brown eyes.
- On the date of the incident PO Tarlentino was assigned to a tracer unit. He worked from 1730 to 0205 with PO Puccia in uniform and in a marked RMP.

Memo Book

PO Tarlentino did not have entries in his memo book relating to the incident (encl. 17a-b).

CCRB Testimony

PO Tarlentino was interviewed at the CCRB on February 5, 2010 (encl. 18a-b). PO Tarlentino never responded to this incident. PO Puccia was assigned an arrest and went to the precinct at some point, but PO Tarlentino did not accompany him. PO Tarlentino did not recognize the names § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) PO Tarlentino read § 87(2)(b) § 87(2)(b) arrest report narrative into the record. The narrative did not sound familiar to him.

NYPD Documents

SPRINT

A SPRINT generated from the incident noted that one individual was arrested at 12:46 a.m. by the 75th Precinct Tracer Unit # 54 (encl. 19a).

Civilians Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian CCRB History

- § 87(2)(b) and § 87(2)(b) § 87(2)(b) have filed no other complaints with the CCRB (encl. 2a-b).

Subject Officers CCRB History

- PO Marc Whirl has been a member of service for five years and there are no substantiated CCRB allegations against him (encl. 1b).
- PO Thomas Napolitano has been a member of service for four years and there are no substantiated CCRB allegations against him (encl. 1c).
- PO Abraham Arteaga has been a member of service for seven years and there are no substantiated allegations filed against him (encl. 1a).

Conclusions and Recommendations

Identification of Subject Officer

- Based on the officers' testimony, by default, PO Napolitano would have been the officer who apprehended § 87(2)(b) § 87(2)(b) PO Arteaga said he apprehended § 87(2)(b) and PO Whirl said he apprehended § 87(2)(b) § 87(2)(b) In addition, § 87(2)(b) § 87(2)(b) description of the officer who apprehended him was generally consistent with that of PO Napolitano.

Investigative Findings and Recommendations

Allegations Not Pled

§ 87(2)(b) § 87(2)(b) stated that when § 87(2)(b) § 87(2)(b) said he could sue the officers for causing injury to § 87(2)(b) § 87(2)(b) face, PO Arteaga replied: "You want to sue? I'll take you to the precinct right now." § 87(2)(b) § 87(2)(b) reported something slightly different during his interview. He stated that he threatened to file a complaint, at which point PO Arteaga grabbed § 87(2)(b) § 87(2)(b) by the arm and said, "You're going to file a complaint? Then we'll take him back to the precinct." § 87(2)(g)

Allegation A – Abuse of Authority: Officers stopped § 87(2)(b) and § 87(2)(b) § 87(2)(b)

It is undisputed that officers stopped § 87(2)(b) and § 87(2)(b) § 87(2)(b) § 87(2)(g)

Allegation B – Force: PO Thomas Napolitano used physical force against § 87(2)(b) § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) § 87(2)(b) § 87(2)(b) alleged that, as a result of being pushed, his cheekbone hit a nearby handrail causing a bruise. He also stated that his knees and elbow were scratched and slightly bleeding. On the other hand, § 87(2)(b) § 87(2)(b) stated in his original complaint that his shoulder hit the handrail and that he was kicked in the face. § 87(2)(g)

In addition, there was no documented evidence of his alleged injuries.

§ 87(2)(g)

Allegation C – Force: PO Marc Whirl used physical force against § 87(2)(b) § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) § 87(2)(b) § 87(2)(b) stated that PO Whirl softly punched him in the ribs, causing no injury. In his original complaint, however, § 87(2)(b) § 87(2)(b) also alleged that PO Whirl punched him in the face. § 87(2)(b), § 87(2)(g)

Allegation D – Abuse of Authority: PO Marc Whirl threatened § 87(2)(b) § 87(2)(b) with the use of force.

§ 87(2)(g)

§ 87(2)(b) § 87(2)(b) § 87(2)(b) stated that he was crying and that PO Whirl told him to “shut up or I’ll bitch slap you,” as well as, “I’ll kill you if you don’t shut up.” § 87(2)(b) § 87(2)(b) claimed to have then told PO Whirl that this is assault, to which PO Whirl allegedly replied: “Do you really want me to assault you?” § 87(2)(b) § 87(2)(b) confirmed that § 87(2)(b) § 87(2)(b) was crying, and that an officer used the word “bitch,” but he attributed this allegation to PO Napolitano and claimed it was said in a different sentence. § 87(2)(b), § 87(2)(g)

None of the officers remembered § 87(2)(b) § 87(2)(b) crying and they denied using these threats. ■

§ 87(2)(b), § 87(2)(g)

Allegation E – Abuse of Authority: PO Abraham Arteaga entered and searched § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) and § 87(2)(b) § 87(2)(b) both stated that PO Arteaga entered the apartment to see if their parents were home, whereas § 87(2)(b) § 87(2)(b) did not mention that this occurred. However, § 87(2)(b) § 87(2)(b) clearly stated that he consented to PO Arteaga entering the apartment and that none of the officers used intimidation methods or coercion. § 87(2)(g)

§ 87(2)(b), § 87(2)(g) [Redacted]
[Redacted]

§ 87(4-b) § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

§ 87(4-b) § 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Team: _____

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Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date